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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 33rd MEETING (SECOND PART*)

Held at the Palais des Nations, Geneva,
on Wednesday, 25 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH

later: Mr. YIMER

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Consideration of draft resolutions and decisions under agenda items 15, 10, 4, 19, 11 and 8.

* The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1993/SR.33.

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GE.93-85844 (E)

The meeting was resumed at 6.35 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 15, 10, 4, 19, 11 and 8 (E/CN.4/Sub.2/1993/L.12/Rev.1, L.8, L.21, L.33, L.35, L.44, L.46, L.32, L.38, L.40, L.41, L.50, L.51, L.36, L.42, L.34, L.43, L.45 and L.48)

Draft resolution E/CN.4/Sub.2/1993/L.12/Rev.1 (agenda item 15) (Slavery and slavery-like practices during wartime)

1. Mrs. DAES, introducing draft resolution E/CN.4/Sub.2/1993/L.12/Rev.1, said that its basic purpose was to appoint Ms. Chavez as Special Rapporteur to carry out a study on acts of violence and violations of human rights directed specifically against women. The Special Rapporteur was requested to submit a preliminary report to the Sub-Commission at its forty-sixth session and a final report at its forty-seventh session. She pointed out that in paragraphs 1, 4, 5 and 6 of the draft resolution, the word "armed" should be inserted between the words "internal" and "conflict". She hoped that the draft resolution would be adopted without a vote.

2. Mr. ALFONSO MARTINEZ endorsed the proposal to appoint a Special Rapporteur to undertake an in-depth study of, inter alia, rape, which was currently an extremely widespread phenomenon. The choice of Ms. Chavez to undertake the study also seemed to him entirely appropriate. He wished, however, to draw the sponsors' attention to Sub-Commission resolution 1992/8, which contained the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work. It was expressly stated in paragraph 1 of Guideline No. 2 that "no new study may be undertaken unless a document entitled 'preparatory document' has been submitted". It therefore seemed to him that, pursuant to that new rule, which the Sub Commission had adopted unanimously, Ms. Chavez should prepare a working document setting out the general outlines of the study that she would subsequently undertake, as had been the case with other studies proposed under other agenda items. Furthermore, while it was true that the practice of rape was particularly widespread during wartime and in periods of internal armed conflict, the study should not be confined exclusively to that specific manifestation of what was a more general phenomenon. The study should deal with systematic rape, sexual slavery and slavery-like practices in general, and in particular during wartime and in periods of internal armed conflict. He therefore proposed adding the words "in particular" after the words "slavery-like practices", in the third line of paragraph 1 of the draft resolution.

3. Mr. MAXIM pointed out that he had been one of the sponsors of the initial version of the draft resolution, and asked for his name to be added to the list of sponsors of the revised version. He also endorsed the appointment of Ms. Chavez as Special Rapporteur and the addition of the word "armed" between the words "internal" and "conflict", as proposed by Mrs. Daes.

4. Mrs. DAES said that Mr. Maxim's name had been omitted from the list of sponsors of the revised version of the draft resolution as the result of an oversight. She was ready to accept the proposal by Mr. Alfonso Martínez to add the words "in particular" in paragraph 1 of the draft.

5. Mr. DESPOUY also thought that the Special Rapporteur should study the phenomenon of rape and sexual ill-treatment of women as a whole, initially focusing on their manifestations during wartime or in periods of internal armed conflict. The words "in particular" that Mr. Alfonso Martínez proposed adding in paragraph 1 would enable Ms. Chavez to broaden the scope of her study to include situations in which that problem was acute. With regard to the requirement to submit a preparatory document before undertaking a new study on any subject, pursuant to the rule adopted by the Sub-Commission at its forty-fourth session, he was of the view that the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30) might be regarded as taking the place of a working paper on that question, given that that report drew attention to the relevance, timeliness and object of such a study. That would be a way of meeting the concerns expressed by Mr. Alfonso Martínez, and also of speeding up work on the question, since Ms. Chavez could then, in her capacity as Special Rapporteur submit to the Sub-Commission at its next session a first, preliminary report, more detailed than a mere preparatory document, on that extremely worrying problem.

6. Mr. YIMER thought that the Sub-Commission must in no circumstances derogate from a rule it had adopted only one year previously. As Mr. Alfonso Martínez had pointed out, no new study was to be undertaken unless a preparatory document on the subject had first been prepared, and, if possible, submitted in the course of the session during which the study was proposed. He wondered whether Ms. Chavez would be able to prepare such a document before the end of the session so as to fulfil that condition. However, he would raise no objection if the Sub-Commission decided to make an exception in her case.

7. Mr. GUISSE endorsed the appointment of Ms. Chavez as Special Rapporteur on the question of violence against women. He also thought that the study should not be confined exclusively to rape committed in periods of armed conflict, but should in fact deal with all violations of women's rights in all fields, including for example the problem of sexual harassment in the workplace.

8. Mr. ALFONSO MARTINEZ said that hitherto it had been customary to submit the plan of a study or a preparatory document at the session following the one during which the study was proposed, and in the event of its being approved, a more detailed report on the question at the following session. However, he saw no objection to speeding up the process if Ms. Chavez was in fact able to submit that preparatory document before the end of the session. He had simply wished to stress the need not to disregard a rule set forth in the guidelines that the Commission on Human Rights had commended the Sub-Commission for adopting.

9. Ms. CHAVEZ assured the members of the Sub-Commission that she would be able to submit a brief working paper on the question before the end of the session.

10. Mr. TIAN JIN thought it would be preferable for the Sub-Commission to wait until the working paper had been submitted before taking a final decision

on the draft resolution. However, in view of the brief time available to the Sub-Commission, he was prepared not to insist on that point, although he hoped that it would not make other exceptions of the same type.

11. Mr. JOINET said he wished to become a sponsor of the draft resolution.

12. The CHAIRMAN said he also hoped that that situation would not recur. If he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.12/Add.1, as orally amended, without a vote.

13. It was so decided.

14. Mr. CISSE (Secretary of the Sub-Commission) said that the administrative and programme budget implications of the activities envisaged in draft resolution E/CN.4/Sub.2/1993/L.12/Rev.1 would be drawn to the attention of the Commission if it decided to approve those activities.

Draft resolution E/CN.4/Sub.2/1993/L.8 (agenda item 10)
(Submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974)

15. Mr. BOUTKEVITCH, introducing draft resolution E/CN.4/Sub.2/1993/L.8, said that it very clearly regulated the problem of the utility of the reports submitted pursuant to Sub-Commission resolution 7 (XXVII), a problem that had repeatedly been raised by the sessional working group on detention. Accordingly, he proposed that the Sub-Commission should adopt it by consensus.

16. Mr. JOINET and Mrs. KSENTINI supported the proposal made by Mr. Boutkevitch. Adoption of that draft resolution would promote more rational working of the human rights monitoring mechanisms, and would help eliminate needless duplication.

17. Draft resolution E/CN.4/Sub.2/1993/L.8 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.21 (agenda item 10)
(Arbitrary and summary executions)

18. Mr. ALFONSO MARTINEZ expressed surprise that draft resolution E/CN.4/Sub.2/1993/L.21 should have been submitted under agenda item 10 rather than under agenda item 6, which dealt with violations of human rights in all countries. Regardless of the attention that a particular situation in a specific country might merit, the Sub-Commission should not, in his view, consider allegations of human rights violations in a given country, particularly where a specific country or territory was involved, under any agenda item other than agenda item 6. If it was doing so in order to facilitate work with regard to other draft texts, that was, to say the least, an inappropriate procedure, and he would welcome the opinion of the other members of the Sub-Commission on the question.

19. The CHAIRMAN said that if that draft resolution, which dealt with the situation in a particular country, was put to the vote, that vote would be held by secret ballot, in accordance with the established rule on the subject.

20. Mrs. DAES and Mr. JOINET asked for their names to be added to the list of sponsors of the draft resolution.

21. Mrs. FORERO UCROS shared the view expressed by Mr. Alfonso Martínez. A draft resolution on the situation in Indonesia, focusing on East Timor, had already been adopted under agenda item 6. The sponsors could have referred to the question of Aceh in that text, instead of submitting a second draft resolution under a different agenda item.

22. Mr. HELLER, Mr. TIAN JIN and Mr. HAKIM also thought that the draft resolution dealt with a question which quite clearly belonged under agenda item 6, and that the Sub-Commission should not allow it to be submitted under agenda item 10, for by so doing it was likely to create a dangerous precedent.

23. Mrs. PALLEY said it was true that such a practice had never been followed in the past, but that there was nothing to prohibit it. The Sub-Commission was being asked to deal with the particular case of Aceh in the context of the question of arbitrary and summary executions. However, in reply to those members of the Sub-Commission who thought that the draft resolution should not have been submitted under agenda item 10, she pointed out that it had been tabled before the deadline set for draft resolutions relating to agenda item 6, and that the Sub-Commission could, if it so wished, consider it under agenda item 6. Nevertheless, she herself continued to believe that it was possible to consider it under agenda item 10.

24. The CHAIRMAN said he very much doubted whether, at the current stage in the proceedings, the draft resolution could be transferred to another agenda item.

25. Mr. ALFONSO MARTINEZ formally proposed, in accordance with rule 65 (2) of the rules of procedure, that the Sub-Commission should take no decision on draft resolution E/CN.4/Sub.2/1993/L.21.

26. Mrs. PALLEY found it regrettable that the Sub-Commission should dwell on procedural matters, for the draft resolution dealt with an extremely disturbing substantive problem which had never received the attention it deserved.

27. The CHAIRMAN put to the vote the proposal made by Mr. Alfonso Martínez that the Sub-Commission should take no decision on draft resolution E/CN.4/Sub.2/1993/L.21.

28. At the invitation of the Chairman, Mrs. Palley and Mr. Alfonso Martínez acted as tellers.

29. A vote was taken by secret ballot.

30. The proposal was adopted by 17 votes to 7, with 1 abstention.

31. Mr. DESPOUY said it was clear from the debate on draft resolution E/CN.4/Sub.2/1993/L.21, firstly, that all questions relating to the situation of human rights in a particular country must always be

considered under agenda item 6, and secondly, that in the event of a vote, that vote must be taken by secret ballot. That was the best way of ensuring that the Sub-Commission's work proceeded smoothly.

32. Mr. ALFONSO MARTINEZ endorsed Mr. Despouy's remarks. However, he wished to point out that the decision just taken by the Sub-Commission must in no circumstances be interpreted as limiting the right of the participants in the Sub-Commission's work, whether full members, observers for States or non-governmental organizations, to refer, in the context of agenda item 10 or of any agenda item other than item 6, to particular situations arising in given countries, in order to illustrate the subject under consideration.

Draft resolution E/CN.4/Sub.2/1993/L.33 (agenda item 10)
(The right to a fair trial)

33. Mrs. KSENTINI said that during consideration of the report on the right to a fair trial prepared by Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1993/24 and Add.1 and 2), she had stated that she was not in favour of drafting a third optional protocol on that question. Consequently, while supporting draft resolution E/CN.4/Sub.2/1993/L.33, she proposed the deletion of its paragraph 5, in which the Sub-Commission decided to consider at its forty-sixth session transmitting to the Commission on Human Rights the draft third optional protocol, and to replace the text of the current paragraph 6 by the following: "Decides to consider at its forty-sixth session the advisability of elaborating a third optional protocol, as well as the other recommendations of the Special Rapporteurs for strengthening the implementation of the right to a fair trial, including the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy." She also proposed the deletion, in the eleventh to thirteenth lines of the text in inverted commas appearing in paragraph 7, of the words "aimed, inter alia, at developing a draft third optional protocol to the International Covenant on Civil and Political Rights", since it seemed to her unnecessary to specify the content of the recommendations made by the Special Rapporteurs. It was for the Sub-Commission itself to decide whether it was desirable to draw up such a protocol, and, if so, to submit that proposal to the Commission on Human Rights.

34. Mr. JOINET supported the amendments proposed by Mrs. Ksentini.

35. Mr. BOSSUYT also supported those amendments. It was still premature to envisage drawing up such a protocol, especially since the right to a fair trial was not one of the rights that were non-derogable even in the event of war or danger threatening the survival of the nation.

36. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.33, as orally amended by Mrs. Ksentini, without a vote.

37. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.35 (agenda item 10)
(Application of international standards concerning the human rights of detained juveniles)

38. The CHAIRMAN said that Mr. Alfonso Martínez, Mr. Maxim, Mr. Guissé, Mr. Heller, Mr. Tian Jin, Mr. Sachar, Mrs. Forero Ucros, Mrs. Daes and Mrs. Warzazi had joined the sponsors of draft resolution E/CN.4/Sub.2/1993/L.35. If he heard no objection, he would take it that the Sub-Commission wished to adopt the draft resolution by consensus.

39. It was so decided.

Draft decision E/CN.4/Sub.2/1993/L.44 (agenda item 10)
(Question of the privatization of prisons)

40. Mrs. KSENTINI said she did not fully understand why, to cite the terms of draft decision E/CN.4/Sub.2/1993/L.44, the Sub-Commission should "request the Commission on Human Rights to authorize the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study". It would be sufficient to say that the Sub-Commission had thanked Mrs. Palley for her work and had decided, without a vote, to envisage the possibility, at its forty-sixth session, of appointing one of its members to undertake that study.

41. Mr. ALFONSO MARTINEZ said that, in his opinion, that way of proceeding was entirely normal and correct. When the Sub-Commission considered that a question or a problem should be the subject of a special study, that conclusion ought to be notified to the higher organs on which it depended - in the present case, the Commission on Human Rights, which must itself refer the question to the Economic and Social Council. Furthermore, it must not be forgotten that in the current year no member of the Sub-Commission had declared himself or herself able to undertake the proposed study forthwith, and it was thus preferable to wait until the Commission on Human Rights and the Economic and Social Council had authorized a study, before appointing a person to undertake the study in question.

42. Mr. GUISSE shared the view taken by Mr. Alfonso Martínez. The question had been debated at length in the Working Group and it had not been possible to determine what line to follow in that regard, particularly as Mrs. Palley had expressed the wish not to be appointed to undertake the study. It was therefore logical that the Sub-Commission should request the Commission, which was a body composed of representatives of States, to decide on the question.

43. Mrs. PALLEY said that if she had indicated that she did not wish to be appointed to undertake the study, that was because it called for special expertise and could be conducted only with the assistance of experts in criminology, international law and human rights. However, it was essential not to abandon the study, bearing in mind that it concerned an extremely important problem that currently affected English-speaking countries with a common-law system, but which was also likely to spread to other countries. The simplest way of resolving the matter was thus to submit it to the Commission on Human Rights.

44. Mr. DESPOUY also thought that the Sub-Commission did not need to ask the Commission on Human Rights for its opinion or its authorization if it wished to undertake a study on a given question. But it was also certain that if the Sub-Commission decided to appoint a Special Rapporteur for that purpose, it must be sure that the Special Rapporteur would have access to all the means, resources and assistance necessary to carry out that task. It must therefore request the Commission on Human Rights not simply to authorize it to do something, but to give it the concrete means enabling it to appoint one of its members to carry out a study subject to the agreement of the Economic and Social Council. If that was in fact the objective sought by the sponsors of the draft decision, he was ready to support it.

45. Mrs. KSENTINI inquired whether the financial implications of draft decision E/CN.4/Sub.2/1993/L.44 would in fact be submitted to the Economic and Social Council at its next session. If that was the case, but only if that was the case, she was ready to be swayed by the arguments put forward by other members of the Sub-Commission in favour of adopting the draft decision.

46. Mr. CISSE (Secretary of the Sub-Commission) confirmed that any draft decision or resolution involving the appointment of a special rapporteur to undertake a new study had financial implications which must be submitted to the Commission on Human Rights, and which, if the Commission approved the draft text, must also be brought to the attention of the Economic and Social Council.

47. Mr. JOINET said that he personally would have preferred the draft decision to be withdrawn. The question of that study, which no one was willing to undertake, had been before the Sub-Commission for four years now. If the eminent specialist in international law capable of undertaking that work, as alluded to by Mrs. Palley in paragraph 84 of her report (E/CN.4/Sub.2/1993/21), could not be found among the members of the Sub-Commission, it would be better to entrust the conduct of the study to the competent services in Vienna. It did not seem reasonable to him to leave the matter to the Commission on Human Rights. That being said, he was prepared, in a spirit of compromise, not to insist on his position.

48. Mr. ALFONSO MARTINEZ expressed surprise that Mr. Joinet could contemplate the possibility of the Sub-Commission handing over responsibility for conducting the study to the competent services in Vienna, given that the Working Group had been studying the question for more than four years. That suggestion made little sense, and he hoped that there was no connection between that attitude and other drafts dealing with the appointment of other Special Rapporteurs. In his view, there was no contradiction between the procedure envisaged in the draft decision and the procedure that had been followed with regard to other Special Rapporteurs.

49. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission wished to adopt draft decision E/CN.4/Sub.2/1993/L.44 without a vote.

50. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.46 (agenda item 10)
(Question of human rights and states of emergency)

51. Draft resolution E/CN.4/Sub.2/1993/L.46 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.32 (agenda item 4)
(Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms)

52. Mr. ALFONSO MARTINEZ thought that the decision, contained in paragraph 5 of draft resolution E/CN.4/Sub.2/1993/L.32, to establish a sessional working group at the forty-sixth session to examine the conclusions reached and recommendations made by Mr. van Boven in his study (E/CN.4/Sub.2/1993/8) was premature. He reminded members that two other sessional working groups, the working group on detention and the working group on the methods of work of the Sub-Commission, were already scheduled for the forty-sixth session and that, furthermore, the composition of the Sub-Commission was likely to change. It would therefore be preferable to take no final decision on the question, and he accordingly proposed that the text of paragraph 5 should be made more flexible by adding, in the third line, before the words "a sessional working group", the words ", if necessary,".

53. Mr. BOSSUYT acknowledged the validity of the comment made by Mr. Alfonso Martínez and accepted the proposed amendment on behalf of the sponsors.

54. Mr. GUISSE said that he would have liked mention to be made in the draft resolution, as he had requested during consideration of Mr. van Boven's report, of the reinstatement of workers whose rights had been violated. For that purpose, he proposed the addition of the words "and reinstatement" after the word "rehabilitation" in the title of the draft resolution.

55. The CHAIRMAN said that it would be difficult to change the title of the draft resolution, since it reproduced the title of Mr. van Boven's study. Furthermore, even though the question of reinstatement was not specifically mentioned in the draft resolution, he believed there was nothing to prevent the Sub-Commission from considering it; that was simply a matter of interpretation.

56. Mrs. KSENTINI proposed replacing the words "et plus sérieuse" in the fourth and fifth lines of paragraph 2 of the French version of the draft resolution by the words "plus globale et dans tous ses aspects".

57. Mr. BOSSUYT acknowledged that the word "sérieuse" was not the most appropriate translation of the word "thoroughly" in the English original; but in his opinion the word "approfondie" would be more appropriate than the word "globale". However, he was ready to accept Mrs. Ksentini's amendment.

58. The CHAIRMAN said that Mr. Chernichenko, Mr. Alfonso Martínez, Mr. Joinet and Mrs. Ksentini had joined the sponsors of the draft resolution.

59. Draft resolution E/CN.4/Sub.2/1993/L.32, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.38 (agenda item 4)
(Definition of gross and large-scale violations of human rights as an international crime)

60. Mr. ALFONSO MARTINEZ expressed the view that it was not for the Sub-Commission to appoint a Special Rapporteur, as was suggested by paragraph 2 of draft resolution E/CN.4/Sub.2/1993/L.38. It was for the higher organ on which the Sub-Commission depended, namely, the Commission on Human Rights, to take that decision. He thus proposed replacing the words "Decides to appoint", in that paragraph, by the words "Decides to recommend to the Commission on Human Rights to appoint".

61. Mrs. KSENTINI said that violations of human rights could be gross, large-scale and systematic, or gross, large-scale or systematic. If Mr. Chernichenko agreed, she therefore proposed replacing, in the title of the report that Mr. Chernichenko was requested to prepare in paragraph 2 of the draft resolution, the words "gross and large-scale violations of human rights" by the words "gross and/or large-scale violations of human rights". Furthermore, she did not see why that study should be limited solely to violations committed "on the orders of Governments or sanctioned by them", as indicated at the end of paragraph 2, and therefore proposed either the deletion of that phrase, or the addition, after the word "perpetrated", of the words "inter alia,". The text of the draft decision recommended to the Commission on Human Rights for adoption in paragraph 6 of the draft resolution would of course need to be amended accordingly.

62. Mr. ALFONSO MARTINEZ said that, as currently worded, the title of the report that Mr. Chernichenko would be responsible for preparing gave the impression that violations of human rights perpetrated on the orders of Governments or sanctioned by them had all the characteristics necessary for them to be regarded as international crimes. That question should not be prejudged, for the expression "international crime" had very special connotations. It would therefore be preferable to replace the word "Recognition", in the second line, by the words "Question of the possible recognition", in order to indicate that the question remained open.

63. The CHAIRMAN noted that in fact the wording of the draft resolution was not consistent, since the word "recognition" was used in paragraph 2, while in paragraph 1 and the title the term employed was "definition".

64. Mr. DESPOUY considered that, since it dealt with gross and large-scale violations of human rights, the draft resolution belonged under the agenda item devoted to that question. Agenda item 4 enabled the Sub-Commission to review further developments in fields with which it had already been concerned, and was certainly very useful in that regard. One must thus avoid turning that item into a "catch-all". Consequently, he would have preferred that draft resolution to be presented under the relevant agenda item, but he was ready to accept it under agenda item 4 if there was no other solution.

65. Mr. CHERNICHENKO began by explaining that he was not one of the sponsors of the draft resolution, since it concerned his own appointment as Special Rapporteur, and that it was thus not for him to accept or reject the proposed amendments; he could only comment on their substance. Accordingly, he pointed

out that, as he had stressed in the working paper that he had submitted on the question (E/CN.4/Sub.2/1993/10), only acts committed by States as subjects of international law could be regarded as international crimes. States were not necessarily responsible for violations of human rights committed by individuals or groups of individuals. The first task was thus to recognize that international crimes were violations of human rights committed by States or agents of the State.

66. He had not very clearly grasped the meaning of the two amendments to paragraph 2 of the draft resolution proposed by Mr. Alfonso Martínez. He wondered whether Mr. Alfonso Martínez was opposed to his appointment as Special Rapporteur, and why he wished to replace the word "recognition" by the words "question of the possible recognition". In his view, the words "question of the recognition" would be sufficient. As for the question raised by Mr. Despouy concerning the agenda item under which the study should be submitted, he was not able to give a precise answer. His report might certainly be considered under agenda item 6, but that item was already overloaded, and it was therefore just as appropriate to consider it under agenda item 4, although that item too was very full.

67. Mr. JOINET said he had his doubts as to the desirability of such a study, first, because it effectively consisted of a study on collective responsibility, which would lead to the condemnation of certain States - if indeed such an outcome were possible, given that the United Nations was a grouping of States. Secondly, the term "international crime" was likely to lead to confusion, for in general it covered three categories of crimes: crimes against peace, war crimes and crimes against humanity. Thirdly, to condemn a State was one way of avoiding condemning those directly responsible, perhaps thereby encouraging impunity. In his view, the International Law Commission would be the most appropriate body to study that question. Nevertheless, so as not to complicate the Chairman's task, he was ready to join a possible consensus on the text of the draft resolution.

68. Mrs. KSENTINI said that, in the interests of achieving that consensus, and in the light of the comments made by Mr. Chernichenko, she withdrew her amendments to paragraph 2 of the draft resolution.

69. The CHAIRMAN thought that, in the interests of uniformity, it was nevertheless necessary to replace the word "Definition" by the word "Recognition" in the title of the draft resolution. It was also his understanding that the Sub-Commission wished to accept the amendment proposed by Mr. Alfonso Martínez, to replace the words "Decides to appoint", in paragraph 2 of the draft resolution, by the words "Decides to recommend to the Commission on Human Rights to appoint ...".

70. Mrs. WARZAZI said that in that case it would also be necessary to make a consequential amendment to the text of the draft decision recommended to the Commission on Human Rights for adoption in paragraph 6, replacing the words "endorses the appointment by the Sub-Commission of ...", in the third line, by the words "endorses the recommendation to appoint ...".

71. Mr. ALFONSO MARTINEZ assured Mr. Chernichenko that he fully supported his appointment, or at any rate the recommendation that the Commission on

Human Rights should appoint him Special Rapporteur to prepare a report on the question of the "possible" recognition of some violations of human rights as an international crime.

72. Mr. CISSE (Secretary of the Sub-Commission) said that the administrative and programme budget implications of the activities envisaged in draft resolution E/CN.4/Sub.2/1993/L.38 would be brought to the attention of the Commission on Human Rights if it decided to approve the recommendation of the Sub-Commission.

73. Mr. ALFONSO MARTINEZ said he did not understand why, in recent years, the financial implications of draft resolutions and draft decisions adopted by the Sub-Commission had not been set forth in the report it submitted to the Commission on Human Rights. It seemed to him that that would be useful to the Commission, which would thus be able to gain a general idea of the costs that would be entailed if those draft texts were adopted and to take decisions accordingly. He would welcome some clarification on that matter.

74. Mr. CISSE (Secretary of the Sub-Commission) said that, in accordance with instructions received from Headquarters, it was now the practice to publish the financial implications of draft resolutions adopted by the Sub-Commission only in the annual report of the Commission on Human Rights, once it had approved them.

75. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.38, as amended, without a vote.

76. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.40 (agenda item 4)
(Discrimination in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS))

77. Mrs. WARZAZI asked to be styled "Madame" Warzazi, and not "Mademoiselle" Warzazi, in the French text of the list of sponsors of draft resolution E/CN.4/Sub.2/1993/L.40.

78. The CHAIRMAN noted that the same comment applied to Mrs. Ksentini, and said that the secretariat would make the necessary corrections.

79. Mr. GUISSE proposed replacing the words "Expresses its grave concern at the continuation of the exploitation of children and child prostitution", in paragraph 7 of the draft resolution, by the words "Expresses its grave concern at the continuation of child prostitution and child pornography, in that they constitute a serious risk of AIDS transmission".

80. Mrs. WARZAZI thought that the sponsors of the draft resolution could accept that amendment, provided that the word "pornography" was deleted, since, in her view, there was no connection between pornography and the transmission of AIDS.

81. Mr. ALFONSO MARTINEZ thought that paragraph 2 served no useful purpose, since paragraph 3 dealt with exactly the same question in greater detail and more specifically. He therefore proposed deleting it, and also replacing the words "Pide también", in paragraph 3 of the Spanish text, by the words "Hace un llamamiento", which was the formulation most commonly used to address States, and the one that corresponded most closely to the English term "calls upon".

82. Mr. GUISSE agreed to the deletion of the word "pornography" from the amendment he had proposed to paragraph 7, which would now read: "Expresses its grave concern at the continuation of child prostitution, in that it constitutes a serious risk of AIDS transmission".

83. The CHAIRMAN announced that Mrs. Daes and Mr. Maxim had joined the sponsors of the draft resolution.

84. Draft resolution E/CN.4/Sub.2/1993/L.40, as amended, was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.41 (agenda item 4)
(Human rights and the environment)

85. Mr. BOSSUYT expressed surprise that paragraph 6 of draft resolution E/CN.4/Sub.2/1993/L.41 contained a proposal that a Special Rapporteur should participate in a meeting of the Chairmen of human rights bodies. He wished to know whether that would be an exceptional arrangement, or whether all Special Rapporteurs would henceforth be invited to participate in that meeting, in which case it would be better to use the phrase "meeting of persons chairing human rights bodies and Special Rapporteurs of the Sub-Commission and the Commission on Human Rights".

86. Mrs. WARZAZI thought that it would be more appropriate and more realistic to speak, not of "human rights bodies", but of "bodies established under international human rights instruments", and she thus proposed amending paragraph 6 to that effect, with a consequential amendment to paragraph 10 of the draft resolution. She also proposed amending the two references in paragraph 6 to "meetings" of the Chairmen of human rights bodies to read "meeting", since only one meeting was involved.

87. Mr. HELLER thought that, regardless of the term used to designate them, those organs were not competent to deal with human rights and the environment. He very much doubted that it would be possible to place the question of the environment on the agenda of every committee dealing with human rights.

88. Mr. GUISSE said that, in addition to all the other organizations mentioned in paragraph 7, the regional organizations should also be mentioned, since they too dealt with the environment.

89. The CHAIRMAN said that in his view the term "intergovernmental organizations" included the regional organizations.

90. Mrs. PALLEY said she did not think it was envisaged that the Special Rapporteur would participate in all the meetings of the persons chairing the human rights bodies. Consequently, she proposed adding the words "on that question" after the word "meetings" at the end of paragraph 6.

91. Mr. DESPOUY said that specific mention of the regional organizations could in fact be made in paragraph 7, as Mr. Guissé wished, even if they were in any case included in the term "intergovernmental organizations". With regard to paragraph 6, he pointed out that the question of the right to a healthy environment was a fairly recent one and that various bodies concerned themselves with it, but that it was more and more often referred to in the work of a large number of other bodies that dealt primarily with other questions. It would therefore be useful for the Special Rapporteur to be familiar with the content of the work done by those bodies. The essential objective of paragraph 6 of the draft resolution was to enable the Special Rapporteur to contact all the bodies which, directly or indirectly, took an interest in the question of the environment, so as to be able to submit specific and well-documented proposals to the Sub-Commission at its next session. Any amendment to that paragraph to that effect would thus be welcome.

92. Mr. SABOIA shared the view expressed by Mr. Heller. He did not think it appropriate that all the human rights bodies should place the question of the environment on their agendas. Consequently, while accepting all the amendments tabled in his capacity as a sponsor of the draft resolution, he proposed adding to paragraph 6, after the words "to include", the words "where appropriate", so as to make it clear that it was not being proposed that all the bodies set up pursuant to human rights instruments should consider placing that question on their agendas.

93. Mrs. KSENTINI thought that there was some confusion regarding the purpose of paragraph 6. The Special Rapporteur was not being asked to contact all the bodies set up pursuant to international human rights instruments, but only a permanent body that was responsible for coordinating the activities of all the other bodies, namely, the meeting of persons chairing those bodies. Consequently, in that paragraph the persons chairing those bodies were invited to study at their next meeting the possibility of placing the question of the environment on their agenda and, if appropriate, to invite the Special Rapporteur to have an exchange of views with them on the way in which those bodies might incorporate environmental issues into their work.

94. Mr. BOSSUYT said that he had fully understood the purpose of paragraph 6. The persons chairing the human rights bodies met regularly to consider the difficulties that they encountered in implementing the instruments they were responsible for monitoring. It was thus appropriate to invite them to place the question of the environment on the agenda of that meeting in order to determine to what extent it was connected to the questions with which they dealt. However, he doubted the desirability of inviting a Special Rapporteur to participate in that meeting; that seemed to him to be unjustified, and also to discriminate against other Special Rapporteurs. Consequently, he proposed the deletion of the phrase "and to invite the Special Rapporteur to participate in the meetings".

95. Mr. ALFONSO MARTINEZ thought that the paragraph was very clear and did not establish a precedent. If the persons chairing the human rights bodies deemed it important and appropriate, they could invite any Special Rapporteur to participate in their meeting. He thus proposed closing the debate on that question.

96. Mrs. WARZAZI proposed, as a way of solving the problem raised by Mr. Bossuyt, adding to the second line of paragraph 6, between the word "and" and the words "to invite the Special Rapporteur", the words ", if they so wish,".

97. The CHAIRMAN said it was his understanding that Mr. Bossuyt accepted that proposal. If he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.41, as amended, without a vote.

98. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.50 (agenda item 4)
(Traditional practices affecting the health of women and children)

99. The CHAIRMAN announced that Ms. Chavez, Mrs. Palley, Mr. Joinet and Mr. Alfonso Martínez had joined the sponsors of draft resolution E/CN.4/Sub.2/1993/L.50.

100. Mrs. WARZAZI thought that, if the sponsors of the draft agreed, it would be appropriate to add, in the third preambular paragraph, after the words "nutritional taboos", the words "and other harmful practices".

101. Mr. HELLER said that, as currently worded, the last preambular paragraph was not very clear, and seemed to contradict what was stated in operative paragraph 1. He would welcome some clarification on that matter.

102. Mrs. PALLEY thought that it was the phrase "it was only" that caused the confusion, and that its deletion would remove any ambiguity. The text of the last preambular paragraph would thus read: "Noting that in April 1993 the Centre for Human Rights received a favourable reply from Sri Lanka on hosting the regional seminar for Asia,".

103. The CHAIRMAN said it was his understanding that the sponsors of the draft resolution accepted the amendments proposed by Mrs. Warzazi and Mrs. Palley. If he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.50, as amended, without a vote.

104. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.51 (agenda item 4)
(Question of the impunity of perpetrators of violations of human rights)

105. Mr. JOINET said that, in his capacity as co-author of the interim report on the question of the impunity of perpetrators of violations of human rights (E/CN.4/Sub.2/1993/6), he had thought it would be helpful to amend the text of draft resolution E/CN.4/Sub.2/1993/L.51 so as to enable the

Sub-Commission to reach a consensus. It was essential first and foremost to point out that the Rapporteurs would prepare a single report, having regard to the interdependence and indivisibility of civil and political rights and economic, social and cultural rights, as referred to in the second preambular paragraph. Consequently, he proposed specifying in paragraph 1 that that single study should be undertaken in two stages, by adding the following phrase: "and shares the opinion of the Special Rapporteurs that they should undertake a study in two stages". In paragraph 2, the phrase: "report on the first aspect of the question of impunity" would be replaced by the phrase "report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights". Lastly, in paragraph 3, the words "working paper in preparation for the study of the second aspect of the question" would be replaced by the phrase "report on the second aspect of the question, concerning economic, social and cultural rights". It was clearly stated that the Sub-Commission would continue its consideration, without however specifying what persons would be appointed to draft the report. In his view, those few amendments accurately reflected the wishes expressed by various members during the consultations.

106. The CHAIRMAN said that Mr. Heller and Mrs. Ksentini had joined the sponsors of the draft resolution.

107. Mr. ALFONSO MARTINEZ said that he had not fully grasped the meaning of the amendments proposed by Mr. Joinet. It was his understanding that the proposal was to undertake a single study in two stages. He wished to know whether, in practical terms, that would require significantly more time than had originally been envisaged, particularly in the light of the fact that, in accordance with the rule adopted by the Sub-Commission at its previous session, no new study could be undertaken until studies currently under way had been completed. He would thus be grateful if Mr. Joinet would state how long the study would take to complete.

108. He also wondered whether that division of the study into two parts, the first of which would deal with violations of civil and political rights, and the second with violations of economic, social and cultural rights, did not exemplify precisely what the Sub-Commission was seeking to avoid, namely, creating a separation between the various categories of rights; and whether it was not thus contrary to the principle of the indivisibility of human rights that was reaffirmed in the preamble to the draft resolution. He would welcome clarification of those points.

109. Mr. JOINET said that Mr. Guissé and himself had originally thought that they had been appointed to carry out a study of impunity dealing only with violations of civil and political rights. It had subsequently transpired that their mandate also covered violations of economic, social and cultural rights, which were equally important. It was thus justifiable to conduct a single study, which would however consist of two parts, since the documentation on violations of economic, social and cultural rights was still scanty, and also because the penal approach needed for that question was slightly different from the one that might be adopted in the case of civil and political rights. As for the period of time needed for completion of the study, it was clear that it would be difficult to submit the final report at the forty-sixth session of the Sub-Commission, and that the mandate of the Special

Rapporteurs would therefore probably have to be extended. Although he could not be categorical, he thought that the study should be complete within two years at the most.

110. Mrs. KSENTINI said she did not share the view that the Special Rapporteurs should prepare their study in two stages; consequently, she did not support the amendment to paragraph 1 to that effect. Furthermore, there was no evidence that a report on the second aspect of the question would in fact be prepared once the study on the first aspect was complete, since paragraph 3 of the draft resolution stated that the Sub-Commission decided not to prepare a report on the second aspect of the question, but simply to continue its consideration thereof, and no indication was given as to which experts might be appointed to conduct it. The text of the draft decision recommended to the Economic and Social Council for adoption was no more explicit in that regard. Consequently, she would be unable to join a consensus on the draft resolution unless it was worded much more clearly in that respect.

111. Mr. JOINET said he saw no problem in omitting the phrase beginning with the words "and shares the opinion of the Special Rapporteurs ...", which he had proposed adding to the end of paragraph 1 only in order to meet the wish expressed by certain non-governmental organizations that had participated in the informal consultations on the text. Furthermore, if it had been considered preferable not to specify by name the experts who would be appointed to carry out the study on the second aspect of the question, that was only to enable any other members of the Sub-Commission who might be interested in the question to have an opportunity to become involved with it. In order to avoid it being interpreted as meaning that the second part of the study was to be consigned to oblivion, all that was needed was to replace the last phrase of paragraph 3, beginning with the words "with a view to drafting", by the following text: "and requests the Special Rapporteurs to submit their report on the second aspect of the question at its next session".

112. Mr. ALFONSO MARTINEZ thought that the proposed amendments to the text of the draft resolution deserved to be studied in depth, particularly because Mr. Joinet had just amended the text yet again. He thus proposed that the Sub-Commission should take no immediate decision on that draft resolution.

113. The CHAIRMAN said that it might be more reasonable to postpone the decision on draft resolution E/CN.4/Sub.2/1993/L.51 until the next meeting. He invited the members of the Sub-Commission to turn to the consideration of other draft resolutions.

Draft resolution E/CN.4/Sub.2/1993/L.36 (agenda item 19)
(Question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement in relation to the principle of non-intervention)

114. Mr. JOINET expressed surprise that the Special Rapporteur on the question that was the subject of draft resolution E/CN.4/Sub.2/1993/L.36 was to be appointed for two years rather than for three years, as was customary.

That being said, he proposed adding, after operative paragraph 4, a new paragraph 4 bis, the text of which would read: "Invites the members of the Sub-Commission to submit to the Special Rapporteur their views on the question, for consideration." It was important that all the members of the Sub-Commission should be able to contribute to the work of the Special Rapporteur from the outset, in other words, at the time of submission of the preliminary report. It was his understanding that the sponsors of the draft resolution were willing to accept that amendment.

115. Mrs. DAES stressed the importance of the study that Mrs. Palley would be appointed to carry out under the draft resolution. That study would permit the Sub-Commission to review all existing instruments and means to enable the United Nations to play a greater role in international humanitarian activities and to determine what amendments might possibly be made to the Charter at a subsequent stage. It would also provide useful information to States that had experts in international law able to examine all the arguments for and against the development of that role. That was an enormous and extremely complex task, but one which was undoubtedly necessary and which would have considerable repercussions, not only on the action of the United Nations in the sphere of civil, political, social, economic and cultural rights, but also on that of the United Nations system as a whole. In her capacity as a sponsor of the draft resolution, she accepted the amendment proposed by Mr. Joinet, which seemed to her to be apposite, for she herself hoped to have an opportunity to make her views known to the Special Rapporteur in due course. In conclusion, she hoped that in view of its importance the draft resolution would be adopted by consensus.

116. Mr. HELLER said that it would have been preferable for the title of the draft resolution to be the same as that of agenda item 19, under which it was submitted. He also regretted that the question under consideration had not been properly debated in the Sub-Commission, and had been dealt with only in informal consultations. Mention was made in the draft resolution of a preparatory document, concerning which he himself would have liked to make some comments, and it seemed to him that, in view of its importance, the Sub-Commission should have devoted more time to that question.

117. The CHAIRMAN announced that Mr. Joinet and Mrs. Attah had joined the sponsors of the draft resolution.

118. Mr. ALFONSO MARTINEZ drew Mr. Joinet's attention to the fact that his question concerning the duration of the Special Rapporteur's mandate was answered in paragraph 5 of the revised English version of the draft resolution, in which it was clearly stated that the Sub-Commission was following the established practice of requesting the Special Rapporteur first to submit a preliminary report, then a progress report, and lastly a final report.

119. Mr. BOSSUYT pointed out that the revised version of that draft resolution differed greatly from the initial version and deserved more thorough consideration. He accordingly proposed that the debate and decision on that draft resolution should be deferred until the next meeting.

120. Mrs. DAES said that the revised version under her sponsorship had been submitted to the Secretariat three days previously, and that she thus failed to understand why it had not been issued sooner. However, she was willing to accept Mr. Bossuyt's proposal.

121. The CHAIRMAN said that that was the wisest solution, and invited the members of the Sub-Commission to turn to the consideration of other draft resolutions.

Draft resolution E/CN.4/Sub.2/1993/L.42 (agenda item 7)
(Ambassadors of the arts for human rights)

122. Mr. BOSSUYT remarked that the title of draft resolution E/CN.4/Sub.2/1993/L.42 was confusing and gave the impression that its purpose was to appoint persons to involve themselves with works of art relating to human rights. In his view, it would be preferable to use language that appeared elsewhere in the draft resolution and refer to "goodwill ambassadors for human rights", an expression which did not lend itself to misinterpretation.

123. Mrs. WARZAZI thought that the persons referred to were neither goodwill ambassadors nor ambassadors of the arts for human rights, for the objective sought was actually to obtain the assistance of artists in raising funds. She also wondered whether it was appropriate for the Sub-Commission to submit such a draft resolution, and sought the views of other members on that question.

124. Mr. JOINET said that what lay at the root of the problem was actually the fact that more and more States were not paying their contributions to the United Nations, so that the Organization was obliged to appeal for voluntary contributions. In order to remove any ambiguity from the draft resolution, a new preambular paragraph should therefore be added, which might be worded: "Regretting the fact that too many States continue not to pay their contributions in a timely manner".

125. Mr. BOSSUYT said it was true that States did not pay sufficient financial contributions to the Organization to ensure the proper functioning of the human rights bodies: hence the need to appeal for private or voluntary contributions. However, it was not by soliciting the aid of artists or media personalities that the problem could be resolved, and it would therefore be better to withdraw the draft resolution than to attempt to make purely formal amendments to it.

126. Mrs. WARZAZI said that she had made a fruitless request to the Secretariat to provide her with information on that problem, so that she could table a draft resolution dealing with that question, as a means of enabling the Sub-Commission to take a decision concerning the catastrophic situation of the Centre for Human Rights.

127. Mr. SABOIA shared the views expressed by Mr. Bossuyt and Mrs. Warzazi. The draft resolution was certainly well-intentioned, but the question should be studied in greater depth so as to enable a text to be submitted, perhaps at the forty-sixth session, to deal comprehensively with the problem of the lack

of funds, which could not be tackled in the framework of that specific proposal. He thus supported the proposal by Mr. Bossuyt that the draft resolution should simply be withdrawn.

128. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission wished to defer consideration of that question until its forty-sixth session.

129. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.34 (agenda item 8)
(Human rights dimensions of population transfer, including the implantation of settlers and settlements)

130. Mr. HATANO said that, since the bulk of the work of preparing the preliminary report on the question that was the subject of draft resolution E/CN.4/Sub.2/1993/L.34 had been done by Mr. Al-Khasawneh and it was clear that the disproportion in the respective contributions of the two Rapporteurs appointed would subsequently increase, it would not be honest to allow his name to appear in the draft resolution. Consequently, he proposed adding, after paragraph 2, a new paragraph 3 that would read: "Regrets that Mr. Hatano is unable to be further involved in the work on this subject as one of the Special Rapporteurs", and renumbering the current paragraphs 3 to 9 accordingly. He also proposed replacing, in the first line of the current paragraph 3, the words "Requests the Special Rapporteurs" by the words: "Requests Mr. Al-Khasawneh, as Special Rapporteur, ..."; deleting the words "and Mr. Ribot Hatano" in the second line of subparagraph (a) of paragraph 9; and replacing the words "Special Rapporteurs" by the words "Special Rapporteur" and the word "their" by the word "his" wherever they appeared in the text of the draft resolution. Having decided only very recently to relinquish his mandate, he had, to his great regret, unfortunately not had time to inform the sponsors of the draft resolution of that decision, and therefore asked them to accept his apologies. He hoped that the Sub-Commission would adopt the draft resolution, as amended, by consensus.

131. Mrs. DAES thanked Mr. Al-Khasawneh and Mr. Hatano for their outstanding work, and expressed regret that Mr. Hatano would be unable to make any further contribution to carrying out that important study. She very much hoped that she would have the opportunity to take part in the discussion on the report to be submitted by Mr. Al-Khasawneh at the next session, and asked for her name to be added to the list of sponsors of the draft resolution.

132. Mrs. KSENTINI said that it was not for the Commission on Human Rights to send Special Rapporteurs to specific places. It could do so only if the Special Rapporteur himself so requested and if the Government concerned agreed to the visit. She trusted that paragraphs 7 and 9 of the draft resolution were to be interpreted in that light.

133. The CHAIRMAN confirmed that that was the case, and said that if he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.34, as amended by Mr. Hatano, without a vote.

134. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.43 (agenda item 8)
(Human rights and extreme poverty)

135. Draft resolution E/CN.4/Sub.2/1993/L.43 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1993/L.45 (agenda item 8)
(Promoting the realization of the right to adequate housing)

136. Mrs. KSENTINI said that she was prepared to join the consensus on draft resolution E/CN.4/Sub.2/1993/L.45, on the understanding that the visits by the Special Rapporteur to States, referred to in paragraph 5 of the draft resolution recommended to the Economic and Social Council for adoption, could take place only at the request of the Special Rapporteur himself and with the agreement of the States concerned.

137. Mr. JOINET asked to join the sponsors of the draft resolution.

138. The CHAIRMAN said that, if he heard no objection, he would take it that the Sub-Commission wished to adopt draft resolution E/CN.4/Sub.2/1993/L.45 without a vote.

139. It was so decided.

Draft resolution E/CN.4/Sub.2/1993/L.48 (agenda item 8)
(Human rights and income distribution)

140. The CHAIRMAN noted that the name of the Special Rapporteur entrusted with the task of producing a preparatory document on the question had been left blank in the text of draft resolution E/CN.4/Sub.2/1993/L.48.

141. Mr. SABOIA announced that Mr. Eide was prepared to take on that task, for which he was grateful to him. Moreover, having regard to the comments made regarding other draft resolutions, and to the need for the Sub-Commission to respect the rules it had adopted concerning its methods of work, he proposed deleting paragraphs 5 to 9 of the current text, inserting Mr. Eide's name at the appropriate place in paragraph 3, and deleting the words "as Special Rapporteur" in the same paragraph, since only the preparation of a preparatory document was involved. He also proposed inserting, after paragraph 4, a new paragraph 5, which would thus be the final paragraph of the draft resolution and would read:

> "Decides to examine the preparatory document to be submitted by Mr. A Eide at its forty-sixth session in order to consider further action on the matter."

The meeting rose at 9.30 p.m.